

FILED

JUL 18 2018

Clerk, U.S. District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC WAYDE MITCHELL,

Defendant.

CR 17-107-BLG-SPW

**AMENDED FINAL ORDER OF
FORFEITURE**

This matter comes before the Court on the United States' Unopposed Motion for an Amended Final Order of Forfeiture (Doc. 46). Having reviewed said motion, the Court FINDS:

1. The United States commenced this action pursuant to 18 U.S.C. § 924(d);
2. A Preliminary Order of Forfeiture was entered on February 9, 2018;
3. All known interested parties were provided an opportunity to respond and that publication has been effected as required by 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n)(1);
4. Wayde Mitchell filed a valid claim on April 16, 2018;

5. The defendant conceded the forfeiture of his interest, right, and title to the property at the sentencing hearing on March 15, 2018;

6. This Court filed a Final Order of Forfeiture on June 4, 2018.

7. There appears to be cause to issue an amended Final Order of Forfeiture;

It is therefore ORDERED, DECREED, AND ADJUDGED that:

1. The Motion for Amended Final Order of Forfeiture (Doc. 46) as to the defendant's interest in the property is GRANTED.

2. Judgment of forfeiture of the following property shall enter in favor of the United States pursuant to 18 U.S.C. § 924(d), free from the claims of any other party:


- Colt, model Colteer 1-22, .22 L.R. single-shot bolt action rifle (no serial number);
- Remington, model 572 .22 caliber slide-action rifle (no serial number);
- H&R 1871 (New England Firearms), model Sportster, .17 HMR caliber break-action rifle (serial number NV212701);
- Ruger, model M77 mark II, .22-250 caliber bolt-action rifle (serial number 785-04006);
- Glock, model 23 .40 S&W caliber semi-automatic pistol (serial number ACZ779 US);
- Smith & Wesson, model M&P 15-22, .22 LR caliber semi-automatic rifle (serial number DZA9985); and
- Ruger, model SP101, .357 Magnum caliber revolver (serial number 573-83037); and
- 20 rounds of assorted ammunition

IT IS FURTHER ORDERED that:

1. Wayde Mitchell's petition is GRANTED. The Bureau of Alcohol, Tobacco, Firearms, and Explosives is to return the following property to Wayde Mitchell:

- Remington, model 572 .22 caliber slide-action rifle (no serial number);
- H&R 1871 (New England Firearms), model Sportster, .17 HMR caliber break-action rifle (serial number NV212701);
- Ruger, model M77 mark II, .22-250 caliber bolt-action rifle (serial number 785-04006);
- Glock, model 23 .40 S&W caliber semi-automatic pistol (serial number ACZ779 US);
- Smith & Wesson, model M&P 15-22, .22 LR caliber semi-automatic rifle (serial number DZA9985); and
- Ruger, model SP101, .357 Magnum caliber revolver (serial number 573-83037)

Dated this 18th day of July, 2018.


SUSAN P. WATTERS
United States District Judge